

AO 91 (Rev. 11/11) Criminal Complaint

FILED
At Albuquerque NM

OCT 20 2016

MATTHEW J. DYKMAN
CLERK

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

Virgilio Combe AMIS)

Case No. 16-MJ-3858

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 19, 2016 in the county of Bernalillo in the
Judicial District of New Mexico, the defendant(s) violated:

Code Section

21 USC 841 (a) (1), (b) (1) (A)

Offense Description

Possession with Intent to Distribute a Controlled Substance, to wit: 500
grams or more of Methamphetamine.

This criminal complaint is based on these facts:

See Attached Affidavit

☐ Continued on the attached sheet.

Complainant's signature

Clarence Davis, DEA Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/20/2016

Judge's signature

City and state: Albuquerque, New Mexico

Kirtan Khalsa, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

On October 19, 2016, Drug Enforcement Administration (DEA) Task Force Officer (TFO) Clarence Davis and Special Agent (S/A) Jarrell W. Perry were at the Amtrak train station in Albuquerque, New Mexico for the purpose of conducting consensual encounters of passengers traveling aboard the eastbound Amtrak train during its regularly scheduled stop in Albuquerque, New Mexico.

TFO Davis approached a male, who was later identified as Virgilio Combe AMIS, who was sitting in coach section of the Amtrak train. TFO Davis displayed his DEA badge to AMIS and identified himself as a police officer. TFO Davis asked for and received permission to speak with AMIS.

TFO Davis asked AMIS about his travel destination, and AMIS stated he was headed to Fort Madison. As AMIS answered the question TFO Davis noted a heavy accent and therefore asked AMIS in the Spanish language if he understood Spanish more than English. AMIS replied "English." TFO Davis asked why he was going to Fort Madison and AMIS stated "we moved there."

TFO Davis asked for and received permission to view AMIS's train ticket. TFO Davis observed AMIS reach into a blue backpack type bag, which was situated on the floor in front of the seat, to retrieve the ticket. After rummaging through the bag AMIS handed an Amtrak paper folder to TFO Davis and stated he believed it contained the ticket. TFO Davis observed AMIS' hand was visibly shaking as he handed TFO Davis the ticket packet. TFO Davis observed the ticket contained the name Virgilio AMIS.

TFO Davis subsequently asked AMIS if he was traveling with the bag as well as a second grey backpack located in the overhead luggage area. TFO Davis pointed to both bags as he asked the question. AMIS nodded his head in acknowledgement. TFO Davis then asked for permission to search the bags by saying "would you voluntarily consent to letting me search it for anything illegal any contraband, explosives, any arms." AMIS hesitated and then stated "oh" AMIS then stated "no sir" and appeared to be confused. TFO Davis was unsure if AMIS was referring to the fact he did not have contraband or whether he was denying the search so TFO clarified the question by asking "would you let me search it?" AMIS replied "yeah", at which time TFO Davis asked "with your permission? This is your bag?" AMIS nodded yes and TFO Davis performed a search of the grey backpack which had been located in the overhead compartment. No items of contraband were located.

TFO Davis then pointed to the blue backpack, which AMIS had earlier retrieved his ticket from, and asked "may I check that one as well?" AMIS stated "that's not mine sir". TFO Davis asked who was traveling with him, and AMIS stated "a guy from here, he told me to bring it there to

Fort Madison.” TFO Davis asked “can I see what’s in it please?” And AMIS replied “ok.” Prior to opening the bag TFO Davis asked if someone had given AMIS the bag to take to Fort Madison and AMIS replied “yeah.” TFO Davis asked AMIS if he had brought the bag on the train and AMIS advised he had. TFO Davis again asked for permission to search the bag and AMIS nodded his head up and down. TFO Davis asked if AMIS knew who gave him the bag, and AMIS stated he had a seat mate who told him to take it to Fort Madison and someone would pick him up there.

TFO Davis searched the contents of the previously mentioned blue backpack and found it contained a second green backpack. AS TFO Davis was searching the bag, AMIS stated “I don’t know what’s that sir.” AMIS again stated he had been told someone would pick him up there but stated he did not know who would pick him up. TFO Davis opened the green backpack and observed a green plastic bag which contained what appeared to be several plastic bags containing a white crystalline substance. Based on training and experience, TFO Davis believed the substance to be methamphetamine.

TFO Davis immediately placed AMIS in handcuffs and placed him under arrest. TFO Davis transported AMIS to the Albuquerque District Office (ADO). At the ADO, TFO Davis processed the suspected methamphetamine and found the green bag contained a total of (6) individually wrapped plastic bags containing suspected methamphetamine. TFO Davis weighed the bundles and found a gross weight of 2.70 kilograms (5.94 gross pounds). TFO Davis knew based on his training and experience that this amount is indicative of distribution and far exceeds amounts associated with personal use. TFO Frank Chavez field-tested the substance, after cutting into one of the packages, and found a positive presumptive result for methamphetamine.

TFO Davis met with AMIS and advised him of his rights per Miranda, which AMIS advised he understood. AMIS agreed to waive his rights and provided a video recorded statement. During the statement, AMIS admitted he had delivered amounts of methamphetamine to the Fort Madison area on three previous occasions. AMIS stated the deliveries had occurred within the past six months. AMIS also admitted he had smoked some methamphetamine from the packages he had been delivering prior to his arrest.

This affidavit is submitted for the limited purpose of providing probable cause to support the attached criminal complaint.

A handwritten signature in black ink, appearing to read "Clarence Davis", written over a horizontal line.

Clarence Davis
Task Force Officer
Drug Enforcement Administration

A handwritten signature in black ink, appearing to read "T. L. ...", written over a horizontal line.

United States Magistrate Judge